

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

PROPOSED AGENDA FOR REGULAR COUNCIL MEETING, COUNCIL CHAMBERS MAY 10, 2005 9:00 A.M.

ROLL CALL

Invocation – Police Chaplain Ellen Fenter
Pledge of Allegiance

REGULAR AGENDA

1. Speech presentation regarding the need for salary increases for City Representatives and the Mayor of the City of El Paso. [Anita Blair]
2. Presentation of 2004 Annual Report and 2006-2010 5 year Strategic Plan.
[Kathleen Mason, Executive Director of El Paso Zoological Society]
3. Discussion and action to return all confiscated video game machines, cash, employee time cards, computer hard drives, merchandise, receipts and other documents that were confiscated by the E.P.P.D. on Thursday, April 28, 2005 to their owners; to allow the closed game rooms to reopen and the city provide specific guidelines for regulation and operation in accordance with Texas Penal Code, Paragraph 47.01(4)(B). The game rooms represented are Moonlight Video, TMO Game Room, Sun Video Game Room, Wild Touch Game Room and Cielo Vista Game Room. [Thurman Reynolds]

MAYOR'S PROCLAMATIONS

1. **SEE AMERICA WEEK**
2. **EL PASO NALC NATIONAL FOOD DRIVE DAY**
3. **NATIONAL PUBLIC WORKS WEEK**

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members or persons in the audience. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

4. APPROVAL OF MINUTES: [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for the Regular City Council Meeting of May 3, 2005.

5. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

6. RESOLUTIONS:

- 6A.** Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.52.040 and 18.52.080 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

5833 Porpoise Drive	\$4,096.15	(District 4)
Maria And Nancy Ramirez		
[Building Permits & Inspections, Tom Maguire, (915) 541-4588]		

- 6B.** Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.52.040 and 18.52.080 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

3737 Fred Wilson Road	\$3,498.16	(District 2)
Maria C. Sonora and Isabel Medina		
[Building Permits & Inspections, Tom Maguire, (915) 541-4588]		

- 6C.** That the City Manager be authorized to sign an Acceptance of Responsibility Agreement by and between the CITY OF EL PASO and CONTRACT FREIGHTER, INC. for repairs to a concrete swale and erosion within the City's concrete lined drainage channel located within the Americas Ten Subdivision, El Paso, El Paso County, Texas. **(District 6)**
[Engineering Department, Bashar Abugalyon, (915) 541-4157]

- 6D.** That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of PUBLIC ARTS PROGRAM COORDINATOR is hereby created as specified in the duties and responsibilities attached hereto. The Code is 5177. The Grade is PM 75. Salary Range: \$34,751.35 - \$50,722.63 (PM 75)
Fund Source: 55010303-15707-55000
[Human Resources, Terry A. Bond, (915) 541-4509]

7. STAFFING TABLE CHANGES:

- 7A.** Airport
Add 1.00 Airport Materials Specialist GS 16
Fund Source: 62620001-40101-62000
[Airport, Patrick T. Abeln, (915) 780-4724]

7B. Building Permits and Inspections
Add 1.00 Plan Reviewer II GS 26
Delete 2.00 Plan Reviewer I GS 24
Fund Source: 36010116-01101-36000
[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

7C. Performing Arts & Culture
Add 1.00 Public Arts Program Coordinator PM 75
Fund Source: 55010303-15707-55000
[Performing Arts and Culture Resources, Betty Jaraba, (915) 541-4896]

8. BOARD APPOINTMENTS:

8A. Daniel De La Haye to the Historic Landmark Commission by Representative Robert A. Cushing, Jr., District 2. [Representative Robert A. Cushing, Jr., (915) 541-4416]
POSTPONED FROM 05/03/05, 04/26/05, 04/12/05, 03/29/05, 03/15/05 AND 03/08/05

8B. The appointment of Margie Aguilar-Desrosiers to the Building and Standards Commission by Representative Vivian Rojas, District 7. In making this appointment, the City Council hereby finds that this appointment is necessary under Section 3.3 C 2 of the El Paso City Charter as the due process rights of citizens would otherwise be compromised based on the responsibilities and obligations that have been assigned by City ordinance to the Building and Standards Commission. [Representative Vivian Rojas, (915) 541-4108]

8C. The appointment of Hector Zamora Jr. to the Building and Standards Commission by Representative Vivian Rojas, District 7. In making this appointment, the City Council hereby finds that this appointment is necessary under Section 3.3 C 2 of the El Paso City Charter as the due process rights of citizens would otherwise be compromised based on the responsibilities and obligations that have been assigned by City ordinance to the Building and Standards Commission. [Representative Vivian Rojas, (915) 541-4108]

9. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]

9A. BT2005-997 PARKS AND RECREATION
This budget transfer requests a new appropriation to purchase a storage shed for the Multipurpose Center utilizing the User Fee Fund. **(District 3)**

Increase	\$2,800	to	51510032/P50022516325/407002	EstRev
Increase	\$2,800	to	51510032/P50022516325/508003	BldgImprvmts

9B. BT2005-1034 BUILDING AND PLANNING SERVICES
Building and Planning Services proposes to transfer \$26,500 from the 2000 QOL Parks Contingency project to the Rose Garden Project. Funding source is 2000 QOL bonds. **(District 2)**

Decrease	\$26,500	from	31130600/PQLPA17760176/504405	OpCntrngncy
Increase	\$26,500	to	31130600/PQLPA17760176/507001	IntrafdTrf(U)
Increase	\$26,500	to	14101001/PQLPA15060150/407001	IntrafdTrf(S)
Increase	\$26,500	to	14101001/PQLPA15060150/508027	Construction

9C. BT2005-1051 PARKS AND RECREATION

This budget transfer requests a new appropriation to purchase a scoreboard for the Armijo Aquatics Facility. This will allow this pool to be used for competitive swimming. Money is available in Aquatics Fund Balance. **(District 1)**

Increase	\$15,000	to	51010281/P50020316303/407002	Est Rev
Increase	\$15,000	to	51010281/P50020316303/508008	Major Equip

10. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

- 10A.** St Mark's United Methodist Church to use amplification (8 speakers, 5 microphones and 1 amplifier - 1000 watts) at Marwood Park – 4325 River Bend on May 14, 2005 from 12:00 p.m. to 5:00 p.m. Approximately 25 persons will take part and 150 spectators are anticipated. PERMIT # 05-047 **(District 8)**

[George Armas]

NO OBJECTIONS FROM PARKS. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 10B.** U.S.-Mexico Border Health Association to hold a 13th Annual International AIDS Vigil on May 15, 2005 from 8:00 p.m. to 9:00 p.m. Route: Start at San Jacinto Plaza to Mesa, proceed on Mesa to San Antonio, turn left on San Antonio to Stanton, turn right on Stanton and finish at the International Bridge. Approximately 200 persons will take part. PERMIT # 05-048 **(District 8)**

[Ruby A Marentes]

NO OBJECTIONS FROM FIRE, SUN METRO, PARKS AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 8 OFFICERS AND 8 VEHICLES. ESTIMATED COST TO CITY: \$213.00; ESTIMATED COST TO APPLICANT: \$187.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 10C.** El Paso Central Business Association to use amplification (1 microphone and 2 speakers) at Calendar Park – 401 E. San Antonio Ave on May 13, 2005 and May 20, 2005 from 11:30 a.m. to 1:00 p.m. for a public concert. Approximately 3 persons will take part and 50 spectators are anticipated. PERMIT # 05-051

(District 8) [Alonso Flores]

NO OBJECTIONS FROM PARKS. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

REGULAR AGENDA**11. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

11A. An ordinance granting a Special Privilege to O.P.E.P. Incorporated to temporarily close a portion of Ochoa Street between First Avenue and Paisano Drive for a "Foam Party Memorial Day Celebration" on Sunday, May 29, 2005 and Monday, May 30, 2005. (Fee: \$137.50, SP-05008) **(District 8)**

[Planning Research and Development, Esther Guerrero, (915) 541-4720]

11B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 (Schedule IV, Parking Prohibited During Certain Hours on Certain Streets), Paragraph J (No Parking 7:00 A.M. to 4:00 P.M.), of the El Paso Municipal Code, to amend Subsection 4 to read Frank Cordova Circle (North Entrance), from Firehouse Drive to a point 750 feet East thereof, both sides, all of Mike Andrade Place, all of Luis Gomez Place, and at the following properties in the Frank Cordova cul-de-sac; 12121, 12125, 12127, and 12129. The Penalty as provided in Section 12.84.010 of the El Paso Municipal Code. **(District 6)** [Representative Paul J. Escobar, (915) 541-4182]

PUBLIC HEARINGS WILL BE HELD ON MAY 24, 2005 FOR ITEMS 11A - 11B

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

12. MAYOR AND COUNCIL:

12A. Discussion and action regarding the Cedar Oak Townhomes Development Project. [Representative Vivian Rojas, (915) 541-4108]

12B. Discussion and action to direct the City of El Paso's Engineering Department, Traffic Division, to assess the need for two stop signs to halt East and West bound vehicular traffic along Parral Dr. at the intersection of Parral Dr. and La Paz due to frequent motor vehicle accidents.

[Representative Jose Alexandro Lozano, (915) 541-4515]

13. CITY ATTORNEY: [City Attorney's Office, Jorge Villegas, (915) 541-4550]

Discussion and action regarding Texas Gas Service's proposed adjustment to its base rates pursuant to the Texas Gas Reliability Infrastructure Program.

POSTPONED FROM 05/03/05

14. COMMUNITY AND HUMAN DEVELOPMENT:

[Community and Human Development, Robert Salinas, (915) 541-4643]

Discussion and action on a resolution that, having conducted a public hearing and having previously approved a Resolution adopting that portion of a Proposed 2005-2006 Annual Action Plan, which includes items 1 through 55 of the Proposed Budget for the 31st Year (2005-2006) Community Development Block Grant Program, together with the Proposed Budgets for the FY 2005 Emergency Shelter Grant Program, and the FY 2005 HOME Investment Partnerships Program, the City Council hereby adopts the remaining portion of the Proposed 2005-2006 Annual Action Plan, which includes items 56 through 96 of the Proposed Budget for the 31st Year (2005-2006) Community Development Block Grant Program.

15. COMPTROLLER: [Comptroller, Carmen Arrieta-Candelaria, (915) 541-4435]

Discussion and action on a resolution to authorize the City Manager to accept approximately \$5.8 million in Palo Verde Rewards from the El Paso Electric Company, determine how the Palo Verde Rewards will be used, and establish any requisite criteria for directing the use and accounting of the Palo Verde Rewards.

16. PUBLIC HEARING – MAYOR AND COUNCIL:

[Representative Susan Austin, (915) 541-4886]

An Ordinance amending Title 19 (Subdivisions) of the El Paso Municipal Code by amending Chapter 19.16 (Improvement Standards and Design Principles) Section 19.16.050 (Stormwater Design) Subsection 19.16.050.H (Preservation of Natural Arroyos) to require that the City Plan Commission determine whether to approve a modification of conditions to allow improvements on natural drainage courses known as arroyos. The penalty is as provided in Section 19.04.190 of the Code.

POSTPONED FROM 04/12/05, 03/15/05 and 03/01/05

17. PUBLIC HEARINGS – BUILDING PERMITS AND INSPECTIONS:

[Building Permits & Inspections, Tom Maguire, (915) 541-4588]

17A. Public hearing to determine if the property located at 2002 Detroit Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated December 19th, 2004. The owner of this property, Lupe G. Avina, 1612 Bernard Kern Drive, El Paso, Texas 79936-5602, has been notified of the violations at this property. **(District 8)**

17B. Public hearing to determine if the property located at 1300 E. Paisano Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated April 3rd, 2002. The owner of this property, Meats, Inc., 1300 E. Paisano Drive, El Paso, Texas 79901, has been notified of the violations at this property. **(District 8)**

- 17C.** Public hearing to determine if the property located at 131 Linden Street Apt. B, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated January 25th, 2005. The owners of this property, Maria Lourdes and Carlos J. Corral, 131 Linden Street Apt. B, El Paso, Texas 79905, have been notified of the violations at this property. **(District 3)**
- 17D.** Public hearing to determine if the property located at 5318 Gateway East Boulevard, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated June 14th, 2004. The owners of this property, Marcelo and Nora Vasquez, 5318 Gateway East Boulevard, El Paso, Texas 79905, have been notified of the violations at this property. **(District 3)**

18. PUBLIC HEARINGS – COMMUNITY AND HUMAN DEVELOPMENT:

[Community and Human Development, Robert Salinas, (915) 541-4643]

- 18A.** Public Hearing and discussion and action on the acknowledgement and acceptance of a Proposed 2005-2010 Consolidated Plan for the City of El Paso and adoption of the remaining portion of the Proposed 2005-2006 Annual Action Plan, which includes items 56 through 96 of the Proposed Budget for the 31st Year (2005-2006) Community Development Block Grant Program.
POSTPONED FROM 04/26/05
- 18B.** Discussion and action on a Resolution that the City Council, having conducted a Public Hearing, hereby acknowledges and accepts a Proposed 2005-2010 Consolidated Plan for the City of El Paso and adopts the Proposed 2005-2006 Annual Action Plan including the Proposed Budgets for the 31st Year (2005-2006) Community Development Block Grant Program, the FY 2005 Emergency Shelter Grant Program, and the FY 2005 HOME Investment Partnerships Program, and hereby directs that the notice of availability of the Proposed 2005-2010 Consolidated Plan for the City of El Paso and the Proposed Budgets for the 31st Year (2005-2006) Community Development Block Grant Program, the FY 2005 Emergency Shelter Grant Program, and the FY 2005 HOME Investment Partnerships Program, be published in the El Paso Times on Sunday, May 15, 2005, to provide the public with an opportunity to review the Proposed 2005-2010 Consolidated Plan and the Proposed Budgets, as part of the summary of Proposed Annual Action Plan for 2005-2006, and submit comments to the City Council or the Department of Community and Human Development. The deadline for submission of written comments will be 5:00 p.m., on Wednesday, June 15, 2005. The City Council will conduct a public hearing in City Council Chambers at the City Council meeting on Tuesday, June 28, 2005, for the purpose of receiving comments from the public and adopting the 2005-2010 Consolidated Plan and the Annual Action Plan, including the 31st Year (2005-2006) Community Development Block Grant Program Budget, the FY 2005 Emergency Shelter Grant Program Budget and the FY 2005 HOME Investment Partnerships Program Budget, for submission to the U.S. Department of Housing and Urban Development. **(All Districts)** POSTPONED FROM 04/26/05

19. PUBLIC HEARING – ENGINEERING DEPARTMENT, TRAFFIC DIVISION:

[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to add a subsection identifying the speed limit as thirty-five miles per hour on Loma Verde Drive between Pine Springs Drive and Rojas Drive. The penalty as provided in Section 12.84.010 of The El Paso Municipal Code. **(District 6)**

20. PUBLIC HEARING – PLANNING, RESEARCH AND DEVELOPMENT:

[Planning, Research and Development, Esther Guerrero, (915) 541-4720]

An Ordinance granting a Special Privilege to the Central Business Association of El Paso, Inc., to permit temporary sidewalk vending for participating merchants within certain public rights-of-way in Downtown El Paso from May 11, 2005 through July 3, 2005. (SP-05007) **(District 8)**

- 21.** The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov>